

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney Docket № 14309US02)**

In the Application of:

Jeyhan Karaoguz, et al.

Serial No. 10/675,468

Filed: September 30, 2003

For: MEDIA PROCESSING SYSTEM
SUPPORTING PERSONAL
ADVERTISEMENT CHANNEL AND
ADVERTISEMENT INSERTION INTO
BROADCAST MEDIA

Examiner: Patrick A. Ryan

Group Art Unit: 2427

Confirmation No. 5572

Electronically filed on 18-MAR-2010

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Applicant requests review of the final rejection in the above-identified application, stated in the final Office Action mailed on November 23, 2009 ("Final Office Action") with a period of reply through March 23, 2010. The Applicant also requests review of the arguments stated on page 2 of the Advisory Office Action mailed on February 23, 2010 ("Advisory Office Action"). No amendments are being filed with this request.

This request is being filed with a Notice of Appeal. The review is being requested for the reasons stated on the attached sheets.

REMARKS

The present application includes pending claims 1-24, all of which have been rejected. Claims 1-8, 11-18, 21-28 and 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over USP 7,212,730 ("Boston" in view of USP 6,668,278 ("Yen"). Claims 9-10, 19-20 and 29-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Boston and Yen, as applied to Claim 1, and in further view of USPP 2002/0161713 ("Oh"). Claims 32-40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Boston and Yen as applied to Claim 1 and in further view of USPP 2002/0054752 ("Wood"). The Applicant respectfully submits that the claims define patentable subject matter. The Applicant also respectfully traverses these rejections at least for the following reasons:

The Applicants first turn to the rejection of claims 1-8, 11-18, 21-28, and 31 as being unpatentable over Boston in view of Tomsen. Claim 1 recites, in part, "automatically displaying, without user interaction and prior to viewing said received advertisement, a notification of said received advertisement on said television; [and] scheduling, based on input from a user provided after said displaying of said notification, said received advertisement for viewing on said television within said home." Independent claims 11 and 21 recite similar limitations.

The Office Action acknowledges the following:

Boston ... does not teach automatically display, without user interaction and prior to viewing said received advertisement, a notification of the advertisement on said television, and scheduling, based on input from a user provided after said display of said notification.

See November 23, 2009 Office Action at pages 3-4. Thus, the Office Action acknowledges that Boston does not describe, teach, or suggest the claim limitations noted above.

In an attempt to overcome this deficiency, the Office Action relies on Yen. See *id.* at page 4. As explained below, however, Yen does not overcome the acknowledged deficiencies of Boston.

Yen discloses a background element and a foreground element.

The background element 121 controls the information receivers 110 so as to receive and identify information which is likely to be interesting to the recipient, to alert the foreground element 122 that such information is available, and to couple items of information, and identifiers for those items, to the foreground element 122 for selection by and presentation to the recipient.

See Yen at column 6, lines 1-7.

The foreground element 122 is coupled to the presentation interface 130 and controls the presentation interface 130 so as to present identifiers for information to be selected by the recipient to receive selections from the

recipient, and so as to present information to the recipient in response to those selections.

See id. at column 6, lines 14-20. With respect to the information presented,

Particular information to be presented can include any of the following:

Information from broadcast services, such as broadcast radio or television.

Information from internet services, such as electronic mail or web pages.

Parameters for operation of the background element 121 or the foreground element 122.

Selectable identifiers for information which the recipient may wish to view.

See id. at column 6, lines 35-45. Notably, this portion of Yen is silent with respect to notification of an advertisement and/or scheduling of an advertisement based on actions of a user with respect to the notification. Yen also discloses actions that can be taken by the recipient.

Particular actions can include any of the following:

Powering the presentation interface 130 on and off.

Selecting or deselecting a broadcast **television channel** or directing the presentation interface to display or not display broadcast television.

Selecting or deselecting a particular information element, **such as a broadcast television show or videocassette movie.**

Selecting or deselecting a particular internet service.

Selecting or deselecting parameters for operation of the background element 121, such as preferences for "interesting" information items, or an interest threshold.

Selecting or deselecting parameters for operation of the foreground element 122, such as a speed for sequential focus changes, or moving the focus backward or forward.

See id. at column 6, line 59 to column 7, line 8 (emphasis added). This portion of Yen discloses selection of broadcast television, but, again, is silent with respect to a notification of an advertisement and **scheduling** (not merely viewing) the advertisement for viewing.

Yen does disclose, however, tags and electronic program guides. See id. at column 7, line 41 to column 8, line 14. However, these tags and guides are for broadcast shows, but not advertisements. For example, Yen discloses the following:

[T]he tag or electronic program guide can indicate the following types of information about **broadcast shows** and similar information items:

Subject matter for information items, such as **whether those information items comprise news, weather, sports, politics, electronic mail, or**

opinion. The subject matter can include other particulars regarding the content of the information items, such as which persons are featured as actors, guests, or subjects of a **broadcast show** or other information items; which products are **advertised** or otherwise features **on a broadcast show or other information items....**

See *id.* at column 7, lines 41-55 (emphasis added). Notably, the tags/guides merely note, for example, products that are advertised **on a broadcast show**, but **not** a notification of a received advertisement itself (as opposed to the broadcast show), **and certainly not scheduling of the received advertisement based on input from a user after display of the notification of the received advertisement.**

In general, Yen does not overcome the deficiencies of Boston in that, like Boston,¹ Yen also does not describe, teach, or suggest "automatically displaying, without user interaction and prior to viewing said received advertisement, **a notification of said received advertisement** [in contrast to a broadcast show] on said television; [and] **scheduling** [in contrast to merely viewing], **based on input from a user provided after said displaying of said notification, said received advertisement** for viewing on said television within said home." Independent claims 11 and 21 recite similar limitations. Because neither Boston, nor Yen, describes, teaches, or suggests these limitations, the combination of the two, by definition, also cannot describe, teach, or suggest the limitations. Thus, for at least these reasons, the Applicants respectfully submit that the proposed combination of Boston and Yen does not render claims 1, 11, 21, or any claims depending therefrom unpatentable.

The Applicants now turn to the rejection of claims 9, 10, 19, 20, 29, and 30 as being unpatentable over Boston in view of Yen and Oh. For at least the reasons discussed above, the Applicants respectfully request reconsideration of these rejections.

Additionally, claim 9 recites, in part, "offering a reward for scheduling the advertisement for display within a personal advertisement channel displayed on said television." Claims 19 and 29 recite similar limitations. The Office Action acknowledges that the "combination of Boston and Yen do not teach a method for offering a reward for scheduling the advertisement for display within a personal advertisement channel." See November 23, 2009 Office Action at page 7. In an attempt to overcome this deficiency, the Office Action relies on Oh at paragraph [0054].

However, the cited portion of Oh merely discloses incentives for **watching**, as opposed to **scheduling** in a **personal advertisement channel**, advertisement content. For example, Oh discloses "[i]f the user answers that he/she will **watch** the advertisement content(s) before the multimedia content(s) is(are) played ..., the system 100 discounts the price of the multimedia content(s) by, for example, 50%...." See *id.* at [0054] (emphasis added). Again, Oh merely discloses offering incentives to a user if he/she **watches**

¹ Note, the Office Action acknowledges that Boston "does not teach automatically display, without user interaction and prior to viewing said received advertisement, a notification of the advertisement on said television, and scheduling, based on input from a user provided after said display of said notification." See November 23, 2009 Office Action at pages 3-4.

advertisement content. However, Oh does not describe, teach, or suggest offering incentives for **scheduling** display of an **advertisement** within a personal **advertisement channel**. That is, Oh does not describe, teach, or suggest "offering a reward for scheduling the advertisement for display within a personal advertisement channel displayed on said television," as recited in claim 9, for example. Further, the Office Action acknowledges that neither Boston, nor Yen, describe, teach, or suggest this limitation. See November 23, 2009 Office Action at page 7. Thus, the combination of the three references, by definition, cannot describe, teach, or suggest the limitation. Claims 19 and 29 recite similar limitations. For at least these additional reasons, the Applicants respectfully submit that the proposed combination of Boston, Yen, and Oh does not render claims 9, 19, and 29 unpatentable.

The Applicants also respectfully submit that the proposed combination of Boston in view of Yen and Wood does not render claims 32-30 unpatentable for at least the reasons discussed above with respect to claims 1, 11, and 21.

In general, the Final Office Action makes various statements regarding claims 1-40 and the cited reference that are now moot in light of the above. Thus, the Applicant will not address such statements at the present time. However, the Applicant expressly reserves the right to challenge such statements in the future should the need arise (e.g., if such statement should become relevant by appearing in a rejection of any current or future claim).

Conclusion

The Applicant respectfully submits that claims 1-40 of the present application should be in condition for allowance at least for the reasons discussed above and request that the outstanding rejections be reconsidered and withdrawn. The Commissioner is authorized to charge any necessary fees or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Respectfully submitted,

Date: 18-MAR-2010

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